



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Joseph Horwedel

SUBJECT: SEE BELOW

DATE: May 27, 2009

Approved

Date

5/28/09

COUNCIL DISTRICT: 9
SNI AREA: N/A

SUPPLEMENTAL MEMO

**SUBJECT: CONFORMING REZONING FROM THE CP COMMERCIAL
PEDESTRIAN TO THE CN COMMERCIAL NEIGHBORHOOD ZONING
DISTRICT TO ALLOW COMMERCIAL USES ON A 0.4 GROSS ACRE
SITE. (C09-012)**

REASON FOR SUPPLEMENTAL OR REPLACEMENT

On May 22, 2009, staff received the attached electronic communication from Trevor Gillis, a residential property owner located in the city of Campbell, approximately 130 feet southwesterly of the subject property regarding the proposed rezoning.

RECOMMENDATION

Planning staff recommends approval of the proposed Conforming Rezoning from the CP Commercial Pedestrian to the CN Commercial Neighborhood Zoning District to allow commercial uses.

OUTCOME

Approving the proposed rezoning would allow a range of commercial uses on the subject site, including consideration of drive-through uses upon approval of a Conditional Use Permit.

BACKGROUND

On February 24, 2009, the applicant, Bill Behbahani, on behalf of property owner Akbar and Mary Nazemian, is requesting a conforming rezoning of the subject property from the CP Commercial Pedestrian to the CN Commercial Neighborhood Zoning District to allow commercial uses. The 0.4 gross acre site is currently developed with a smog check station, which was constructed in 1962. The

current CP Commercial Pedestrian Zoning District would require minimal, pedestrian-oriented front setbacks with substantial rear setbacks, and does not allow drive-through and minor vehicle-related repair and installation uses. Rezoning the subject property to the CN Commercial Neighborhood Zoning District would require substantial, suburban front setbacks and minimal rear setbacks, and would allow consideration of drive-through and minor vehicle-related repair and installation uses upon approval of a Conditional Use Permit.

ANALYSIS

As stated in an e-mail correspondence from May 22, 2009, Mr. Gillis does not object to the Conforming Rezoning from the CP Commercial Pedestrian to the CN Commercial Neighborhood Zoning District. However, Mr. Gillis strongly opposes any future development on the subject property that would increase noise, pollution, or traffic to the single-family residential neighborhood located directly behind the subject property.

Proposals for permitted and conditional uses will be evaluated at the applicable permit review stage to ensure that the project conforms to City ordinances, policies, and guidelines, and addresses potential negative impacts to the adjacent residential uses.

EVALUATION AND FOLLOW-UP

If the Conforming Rezoning is approved, the applicant would have to obtain a Conditional Use Permit, approved by the Planning Commission, to implement any conditional uses.

POLICY ALTERNATIVES

The Council could not approve the subject rezoning, which would maintain the current zoning of the site, and would limit commercial uses at the subject property.

PUBLIC OUTREACH/INTEREST

- ☐ **Criteria 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**
- ☐ **Criteria 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- ☐ **Criteria 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

Although this item does not meet any of the above criteria, staff followed Council Policy 6-30: Public Outreach Policy. A notice of the public hearing was distributed to the owners and tenants of all properties located within 500 feet of the project site and posted on the City website. The

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rezoning was also published in a local newspaper, the Post Record. This staff report is also posted on the City's website. Staff has been available to respond to questions from the public.

COORDINATION

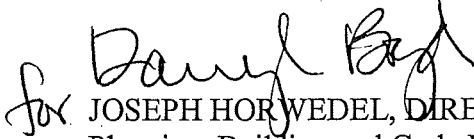
This project was coordinated with the Department of Public Works, Fire Department, and Environmental Services Department.

FISCAL/POLICY ALIGNMENT

This project is consistent with applicable General Plan policies and City Council approved design guidelines as further discussed in attached staff report.

CEQA

EIR Resolution No. 65459 on August 16, 1994.


for JOSEPH HORWEDEL, DIRECTOR
Planning, Building and Code Enforcement

For questions please contact Sylvia Do, Planner II, at 408-535-7906.

Attachment

- Correspondence from Trevor Gillis, dated May 22, 2009

Do, Sylvia

From: Trevor Gillis [trevorgillis@att.net]
Sent: Friday, May 22, 2009 12:43 AM
To: Do, Sylvia
Subject: C09-012: Rezoning

I will be unable to attend the hearing on June 2, 2009, so I encourage the City Council to consider this statement as a part of the hearing.

Ms. Do,

My name is Trevor Gillis and I currently own and live in a single family home three residential lots away from the site being proposed for rezoning. I suggest the City of San Jose exercise caution in the rezoning and redevelopment of the 2270 Camden Avenue site. I have reviewed the documents available online and do not object to the rezoning of this site. However, I strongly oppose any commercial development on this site that will increase noise, pollution, or traffic to our residential neighborhood. That being said, I encourage the City of San Jose to give the owners of 2270 Camden Avenue the opportunity to present a building and operational plan for their site that can meet the needs of their business without negatively impacting our residential community.

Trevor Gillis
1486 Sharp Avenue
Campbell, CA 95008
408-371-5839

5/26/2009